

NURSING BOARD[655]

Notice of Intended Action

Proposing rule making related to licensed practical nurses at opioid treatment medication units and providing an opportunity for public comment

The Board of Nursing hereby proposes to amend Chapter 6, “Nursing Practice for Registered Nurses/Licensed Practical Nurses,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 152.

Purpose and Summary

Board rules currently require that health care clinics that utilize licensed practical nurses (LPNs) must have another provider (a registered nurse (RN), an advanced registered nurse practitioner, or a physician) physically present in the proximate area at all times.

In May of 2021, the Board received a petition for waiver of the proximate-area requirement for opioid treatment medication units, which were often staffed by LPNs. After review of opioid treatment programs and medication units and the tasks performed in the unit by LPNs, the Board granted the waiver and believes the rule should be amended to add an exception for these facilities.

This proposed rule making adds new subparagraph 6.3(11)“f”(2) to allow LPNs to work in opioid treatment medication units without having another provider physically present in the proximate area so long as a registered nurse assesses the LPN’s competency and is available at all times for consultation. The Board believes opioid treatment programs and medication units provide critical services in response to the opioid crisis and LPNs may safely treat patients without having another provider physically present in the proximate area so long as a registered nurse is available at all times for consultation. This rule making also eliminates now-superfluous language within subparagraph 6.3(11)“f”(1).

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

This rule making will likely have a positive impact on jobs. During waiver proceedings, the Board was informed that it is not always feasible to have an RN physically present, and thus, these units could not remain open during periods when an RN could not be present. By eliminating the proximate-area requirement for these units, they will remain open and operational with opportunities for LPN staffing.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 655—Chapter 15.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on August 3, 2021. Comments should be directed to:

Kathy Weinberg
Iowa Board of Nursing
400 S.W. Eighth Street, Suite B
Des Moines, Iowa 50309
Email: kathy.weinberg@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 3, 2021
10 to 11 a.m.

Board Office, Suite B
400 S.W. Eighth Street
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend paragraph **6.3(11)“f”** as follows:

f. Health care clinics, except:

(1) The licensed practical nurse shall be permitted to conduct height, weight and hemoglobin screening and record responses to health questions asked in a standardized questionnaire under the supervision of a registered nurse in a Women, Infants and Children (WIC) clinic. A registered nurse employed by or under a contract ~~to~~ with the WIC agency will assess the competency of the licensed practical nurse to perform these functions and ~~will~~ must be available for consultation. The licensed practical nurse is responsible for ~~performing under the scope of practice for licensed practical nurses and requesting registered nurse consultation as needed. This exception to the proximate area requirement is limited to WIC clinics and to the services permitted in this subrule.~~

(2) ~~Reserved.~~ The licensed practical nurse shall be permitted to provide care, including but not limited to dispensing medications such as methadone, buprenorphine, and naltrexone, in opioid treatment program facilities and opioid treatment medication units. A registered nurse employed by or under a contract with the opioid treatment program or opioid treatment medication unit will assess the competency of the licensed practical nurse to dispense medications and must be available for consultation at all times. The licensed practical nurse is responsible for requesting registered nurse consultation as needed.